

ve



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

6

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/936,708	09/24/97	CLAAR	J 080398.P109

┌

TM02/0718

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES CA 90025

EXAMINER

GRIER, L

ART UNIT	PAPER NUMBER
----------	--------------

2644

12

DATE MAILED:

07/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.

08/936,708

Applicant(s)

CLAAR ET AL.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-8 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa et al. (U. S. Patent No. 5887067) in view of Casey et al. (U. S. Patent No. 6182103).

Regarding **claims 1, and 8-10** Costa et al. discloses an audio communications system for a life safety network. Costa et al. disclosure includes a plurality of audio source modules each with a plurality of audio channels (indicative of a plurality of tracks) in a computer system (figure 1-references 10 and 12, and column 2, lines 17-35, and column 3, lines 56-58), which includes a central processing unit (CPU) with user interface capabilities. Such a computer system may be used in a recording studio (column 7, lines 44-45); wherein graphic user interface is merely a technique enables a computer system to interact/communicate with the user of the system manipulating controls via a graphic display. Costa et al. discloses display (figure 3) features, however, Costa et al. fails to specifically disclose the capabilities of a first and second display portion; Costa further fails to disclose collapsible control boxes as well as an overall control mechanism (hereinafter referred to as "user interface capabilities"). The examiner maintains that disclosing such user interface capabilities were well known in the art, as taught by Casey et al.

Regarding the user interface capabilities of generating and 1st and 2nd display portion, Casey et al. discloses a system for user interface for processing data. Casey et al.'s system teaches multiple display screens, which reads on a first and second display portion. The second display portion is able of providing global and/or central control commands for all connecting peripheral equipment such as processors (col. 5, paragraphs 1-3).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Costa et al. by providing a first and second display portion for the purpose of enabling a recording expert with selective control of the various audio processors.

Each display portion of Casey et al. does consist of control boxes which a pull-down window menu, which constitutes for a collapsible box. Whereas, the term "collapsible" is generally defined as foldable and/or as to make or become compact in shape and/or size. However, the display portions are disclosed as specifically claimed. Regarding the plurality of control boxes corresponding the plurality of tracks/channels of an audio processing module, the examiner takes official notice of the fact that such control boxes were well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Costa et al. and Casey et al. (herein, "Costa") by providing a plurality of control boxes for the control the corresponding tracks/channels of the audio processing module for the purpose enabling a recording expert with selective control of the audio processors as desired for optimal performance and enhance audio recording outcome.

Regarding **claim 2**, Costa discloses everything claimed as applied above see (claim 1).

Further, Costa further discloses CPU (central processing unit) means for transmitting a control to the audio sound modules.

2. **Claims 3-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa.

Regarding **claim 3**, Costa discloses everything claimed as applied above (see claim 1).

Costa fails to specifically disclose a recording button for transmitting a recording command to an audio processing module. Recording buttons for a specific track/channel is well known in the art. It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Costa by incorporating a recording button for the purpose of enabling the user to selective record to a particular track of an audio processing module, wherein this technique is well known in audio recording/reproduction.

Regarding **claims 4-7**, Costa discloses everything claimed as applied above (see claim 1).

Further, Casey et al. inherently teaches the global/central control commands such play, stop, etc. for a plurality of devices.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Costa by incorporating global/central control commands such play and stop in the audio recording for the purpose of enabling the user to have universal control/access to the audio processing module (s) at one time, enabling the process of audio recording to become more convenient and enhance for optimal audio output.

Regarding **claims 3-7**, Costa discloses everything claimed as applied above see claim 1). Kawamura et al. discloses in figure a set of controls (reference 12) which is inherently indicative of recording as well as playing functions and other control functions.

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the combined inventions of Costa et al. and Kawamura et al. with the global control capabilities to providing various enhancing audio/sound engineering functions that would make the audio manipulations of an expert in the field more convenient (by remaining in one central location and still control all devices) when editing a recording in an audio recording studio through the use of the techniques of a graphical user interface or the like.

Regarding **claims 11 and 16**, Costa discloses everything claimed as applied above (see claim 10). Casey et al. discloses a pointing device, which constitutes as a selection device (column 3, lines 59-63 and col. 4, lines 60-64).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Costa by providing a selection device such as a pointing device for the purpose of serving a input means and/or manipulation tools.

Regarding **claim 12**, Costa discloses everything claimed as applied above (see claim 10). Casey et al. discloses a selection device being a keyboard (col. 4, lines 60-64).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Costa by providing a selection device such as a keyboard for the purpose of serving a input means and/or manipulation tools.

Regarding **claim 13**, Costa discloses everything claimed as applied above (see claim 10). Casey et al. discloses a mouse for using the pull-down boxes (column 3, lines 59-62).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Costa by providing a selection device such as a mouse for the purpose of serving a input means and/or manipulation tools.

3. **Claims 14-15, and 17-18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Costa.

Regarding **claims 14-15 and 17-18**, Costa discloses everything claimed as applied above (see claims 10 and 11). Costa et al. further discloses a transmission line for transmitting audio data as well as commands to audio sound modules (column2, lines 17-35).

4. **Claims 20-21** are rejected for the same reasons as claims 1 and 10.

Response to Arguments

5. Applicant's arguments with respect to **claims 1-22** have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that previous references fail to teach the essential functions of a graphic user interface. The examiner has provide a new reference which provides support for the function of GUI to combined with the primary reference which teaches the audio concept.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A. Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday – Friday 7:30 am - 4:00 pm.

Art Unit: 2644

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG

July 16, 2001


XU MEI
PRIMARY EXAMINER